

REMARKS/ARGUMENTS

Claims 1-29, 31, and 32 were pending in this application when last examined by the Examiner. Claims 1-9 and 26 have been canceled. Claim 18 has been amended. In view of the above amendments and remarks that follow, reconsideration, reexamination, and an early indication of allowance of the now pending claims 10-25, 27-29, and 31-32 are respectfully requested.

Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory matter. Claims 1-9 have now been canceled. Withdrawal of the rejection is respectfully requested.

Claims 10-16 and 18-25, 27, 31, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhang et al. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang in view of Langberg et al. Applicant respectfully traverses these rejections.

With respect to claim 10, the Examiner contends that Zhang discloses an "impairment compensation sequence, the impairment compensation sequence including . . . a sequence of symbols, the sequence organized to place a positive and a negative instance of each symbol from a predetermined set of symbols in each phase to allow detection of the potential impairments in each of the N phases." In doing so, the Examiner relies on the disclosure in column 10, lines 29-67 of Zhang. This portion of Zhang discloses a feedback solution for refining symbol estimates. The disclosed feedback solution, however, is not "to allow detection of the potential impairments in each of the N phases." In fact, Zhang expressly mentions that impairments are identified as described in a separate portion of the disclosure, the portion prior to column 10, line 29. (See, Col. 10, lines 10-13). There is no teaching or suggestion in this prior portion of Zhang that teaches or suggests "a sequence of symbols, the sequence organized to place a positive and a negative instance of each symbol from a predetermined set of symbols in each phase " as is required by claim 10.

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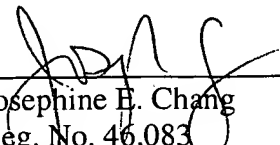
Even if, *arguendo*, the feedback mechanism in column 10, lines 29-67 could be used "to allow detection of the potential impairments in each of the N phases," Applicant respectfully submits that Zhang fails to teach or suggest "a sequence of symbols, the sequence organized to place a positive and a negative instance of each symbol from a predetermined set of symbols in each phase." The Examiner relies on the disclosure in column 10, lines 65 through column 11, line 3, to contend that this limitation is taught by Zhang. The disclosure relied on by the Examiner, however, states that "there are four occurrences of B in each RBS frame," and that half are positive and that half are negative. (Emphasis added). The fact that there are both positive and negative occurrences of B in an RBS frame is not a teaching or suggestion that there are both positive and negative occurrences of B in "each phase." Accordingly, claim 10 is in condition for allowance.

Claims 17, 18, and 28 include limitations that are similar to the limitations of claim 10 which make claim 10 allowable. Accordingly, claims 17, 18, and 28 are in condition for allowance.

Claims 11-16, 19-25, 27, 29, and 31-32 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain.

In view of the above amendments and remarks, reconsideration, reexamination, and an early indication of allowance of the now pending claims 10-25, 27-29, and 31-32 are respectfully requested.

Respectfully submitted,
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